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C O N F I D E N T I A L RANGOON 001365

SIPDIS

STATE FOR EAP/BCLTV, DRL, G/TIP
STATE PASS LABOR/ILAB
COMMERCE FOR ITA JEAN KELLY
TREASURY FOR OASIA JEFF NEIL
USPACOM FOR FPA

E.O. 12958: DECL: 10/19/2014

TAGS: [ELAB](#) [PHUM](#) [PGOV](#) [BM](#)

SUBJECT: SPDC REFUSES TO FREE THOSE CONVICTED OF CONTACT
WITH ILO

REF: A. STATE 214607

[B](#). RANGOON 1301 AND PREVIOUS

[C](#). RANGOON 882

Classified By: COM Carmen Martinez for Reasons 1.4 (B,D)

[1](#)1. (SBU) The Burmese Supreme Court Special Appellate Bench ruled on October 14 not to throw out the high treason and conspiracy convictions against three individuals for, among other things, having in their possession business cards of the ILO representative in Burma. The three had initially been sentenced to death in November 2003 with the sentences reduced in May to life (for one who was also convicted of plotting to kill SPDC leaders) and 3 years (for the two others). The October 14 decision reduces the life sentence of Shwe Man to 5 years and the 3 year sentences of Naing Min Kyi and Aye Min to 2 years.

Comment: A Turning Point?

[1](#)2. (C) The court decision (undoubtedly dictated by senior SPDC members) is very disappointing though not unexpected and could have serious ramifications at November's ILO Governing Board Meeting. The local ILO representative for Burma was watching this case very carefully, and had expressed to us in the past the importance of the appeals court vacating the initial convictions and making it very clear that it was not illegal to contact the ILO (a point we have emphasized with the GOB, including the Minister of Home Affairs; ref C). Neither of these expectations was met. This decision is the latest in a string of events -- such as recent news of increased forced labor incidences in Rakhine State and the GOB's increasingly weak effort to cooperate with the ILO to punish those involved in forced labor (ref B) -- that make it clear there is no political will to tackle the forced labor component of trafficking in persons. We will emphasize our concerns over the court's decision when and if Labor Minister Tin Winn agrees to meet with the Chief of Mission (ref A).
End comment.
Martinez